
UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

United States District Court
Southern District of Texas

United States of America,

Plaintiff,

versus

Jack Stephen Pursley,

Defendant.

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Criminal Action H-18-575

ENTERED

November 30, 2018

David J. Bradley, Clerk

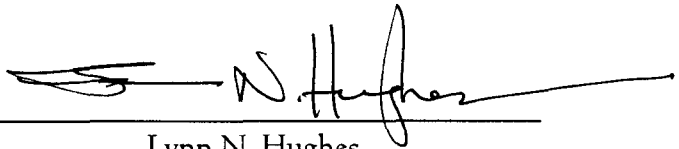
Order on Deposition

The government may depose Kerry Smith in the Isle of Man under Federal Rule of Criminal Procedure 15(a). The court orders that the deposition be taken this way:

1. Under the treaty between the governments of the United States of America and the United Kingdom of Great Britain and Northern Ireland on Mutual Legal Assistance in Criminal Matters extended to the Isle of Man, the United States will request that the authorities in the Isle of Man compel Kerry Smith's appearance and testimony before a court (or at another location deemed appropriate by Isle of Man authorities) through summons or other means under the laws of the Isle of Man and other applicable law, including the Criminal Justice Act of 1991, Section 21, and Schedule 2.
2. Under this order and the governing treaty, the United States will request that the United States through its counsel and Jack Pursley through his counsel be permitted to depose Kerry Smith about her knowledge of the events that are the subject of the criminal trial against the defendant, in accordance with the procedures described below. The United States will seek to conduct the deposition in the Isle of Man on a day and at a time that is mutually convenient for the witness, Isle of Man authorities, and the defense.
3. Accordingly, one United States federal prosecutor, Special Agent Stephen Caivano, one defense attorney, and Pursley will travel to the Isle of Man to depose Smith.

4. The United States at its expense will fund reasonable travel and subsistence expenses of the defendant and one of the defendant's attorneys to attend the deposition that are equal to or better than the government's.
5. The United States at its expense will supply a videographer to video and audio tape the deposition for replaying at the trial.
6. The United States at its expense will supply a stenographer at the deposition to prepare a verbatim transcript of the testimony.
7. A person who is qualified to administer an oath under the laws of the Isle of Man will administer an oath to the witness in accordance with United States law immediately before the deposition, requiring the witness to agree to truthfully answer all questions that are presented to her.
8. The counsel will announce their objections and grounds. The witness will answer the questions. The court will rule on the objections and admissibility at trial.
9. Smith will be testifying as part of the government's evidence at trial. To ensure that the testimony complies with United States procedures and can be used at the trial, the government's questions will be posed first. Next, the defense attorneys may pose questions of the witness based upon what the witness has answered during direct examination and related topics. The prosecutor may then ask further questions and the defense then may do the same.
10. The parties will submit proposed questions for Smith to the court, and the court will then determine which questions are appropriate.
11. Under Rule 15(f), this order allowing the deposition does not determine its admissibility. This court will determine what parts are admissible before the deposition testimony is presented to the jury.

Signed on November 29, 2018, at Houston, Texas.



Lynn N. Hughes
United States District Judge